

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FEDERAL TRADE COMMISSION,

Plaintiff,

-against-

20-cv-4432 (LAK)

RCG ADVANCES, LLC, et al.,

Defendants.

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ORDER

LEWIS A. KAPLAN, *District Judge*.

Defendants RCG Advances, LLC, RAM Capital Funding LLC, and Robert L. Giardina have applied for (a) an order to show cause to bring on a motion for an order staying this action and for other relief granted and (b) a temporary restraining order (“TRO”) granting that relief pending the determination of the motion. DI 31. The Court has had the benefit of briefing and argument, to the extent the parties wished to present it. The parties have agreed to the disposition of the motion for relief extending beyond the TRO on the papers and argument now before it.

The Court rules as follows:

1. Insofar as the application seeks a TRO, it is denied for reasons stated on the record today.

2. The proposed order to show cause is denied but it will be treated as a motion in the ordinary course which, in light of the parties’ agreement, is deemed submitted on the papers and argument already filed and held.

3. The sealing and protective relief sought by the motion is denied.

4. The extension of time sought by the motion is granted to the extent that defendants’ time to answer or move with respect to the complaint is extended to and including August 21, 2020, and otherwise denied.

5. The remaining issue on the motion is whether the Court should stay this

action pending possible criminal proceedings. The Court takes that aspect of the motion under submission.

SO ORDERED.

Dated: August 14, 2020

/s/ Lewis A. Kaplan

Lewis A. Kaplan
United States District Judge